

FINGER & SLANINA, LLC
A T T O R N E Y S A T L A W

June 13, 2022

Via e-filing and hand delivery

The Hon. Maryellen Noreika
844 N. King Street
Unit 19, Room 4324
Wilmington, DE 19801-3555

Re: *CVB, Inc. v. ChanBond, LLC*, C.A. No. 1:21-cv-01456-MN

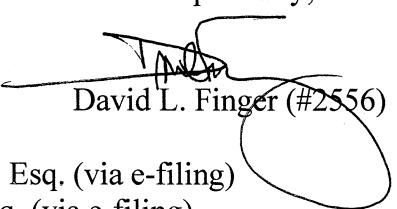
Dear Judge Noreika,

I write respectfully to advise the Court of a factual error in Movants' Reply Brief in Support of Their Motion to Intervene and Unseal Judicial Records. In footnote 1 on page 1, it states that the Leane Defendants filed a letter to the Court, redacted in part. That is incorrect, as the letter was filed under seal. The partially redacted version, which publicly disclosed the information addressed in the footnote was filed on June 6. The Leane Defendants withdrew that redacted version the next day and re-submitted it with the relevant information now redacted. I apologize for any confusion this may have caused the Court.

While the facts as stated in footnote 1 are in error, the point remains the same. While withdrawal of the redacted letter may have caused it to lose its status as a public record, in the absence of extraordinary circumstances, the Court cannot prohibit those who lawfully receive information from utilizing it. *See Bartnicki v. Vopper*, 532 U.S. 514 (2001) (statute cannot be constitutionally applied to criminalize dissemination of lawfully obtained truthful information); *New York Times Co. v. United States*, 403 U.S. 713 (1971) (invalidating prior restraint against publication of the Pentagon Papers).

As always, I am available at the convenience of the Court to answer any questions Your Honor may have.

Respectfully,


David L. Finger (#2556)

cc: Stephen B. Brauerman, Esq. (via e-filing)
James H. S. Levine, Esq. (via e-filing)